



TOWN AND COUNTRY PLANNING ACT 1990
Section 192 as amended by section 10 of the Planning and Compensation
act 1991
Town and Country Planning (Development Management Procedure)
(England) Order 2015

APPLICATION NO. 2021/0597

To White Agus Partnership
Office One
34 Victoria Road
Barnsley
S70 2BU

DESCRIPTION Erection of outbuilding to be used as a store, games room and hobby workshop
(Application for a Lawful Development Certificate for a Proposed Development)

LOCATION 4 Burton Crescent, Monk Bretton, Barnsley, S71 2QD

Barnsley Metropolitan Borough Council certifies that the proposed use/development of the above land for the Erection of outbuilding to be used as a store, games room and hobby workshop (Application for a Lawful Development Certificate for a Proposed Development) is **not lawful**.

The reasons for the Council's decision to refuse the application for a certificate of lawfulness are:

- 1 The Local Planning Authority considers that the proposed outbuilding is within 2m of the boundary and the height of the building would exceed 2.5m as measured from the surface of the pre-existing ground level immediately adjacent to the building.
- 2 The evidence submitted does not demonstrate that the proposed outbuilding complies with the limitations of Class E of Part 1 of Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015. The evidence contradicts previous supporting information regarding the pre-existing ground level, including that used in support of an approved Certificate of Lawfulness. As such, the evidence is not clear and unambiguous and does not satisfy the burden of proof test.

- 3 The site boundary set by this and previously related applications and the photographic evidence strongly indicates that the land claimed as the highest pre-existing land level sits outside of the residential curtilage of the dwellinghouse and therefore cannot be used as a basis to measure the overall height of the proposed outbuilding. Furthermore, the land in question has been so altered during the excavation and construction works carried out to facilitate the proposed development since the beginning of the construction period which means that the proposal fails the burden of proof test as the necessary evidence has not been proven and cannot be verified.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and*
- up to six months imprisonment on conviction.*

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed 
Joe Jenkinson
Head of Planning and Building Control

Dated 18 June 2021